

REMARKS

Claim 14 was rejected under §112, second paragraph. This rejection in the earlier Official Action was inadvertently overlooked. The dependency of claim 14 has at last been corrected and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-2 were rejected as anticipated by MONASTRA et al. 5,361,249. Reconsideration and withdrawal of the rejection are respectfully requested.

The Official Action takes the position that the "outgoing transmission line" in claim 1 is being broadly interpreted so as to encompass the transmission lines 15, 113 in MONASTRA et al. The Official Action notes that the Examiner must use the broadest reasonable interpretation of the claim language.

The explanation of the rejection offered in the Official Action is understood, but traversed. Instructions for claim interpretation in the MPEP also require that the interpretation of the claims must be consistent with the specification. As stated in MPEP §2111, "the pending claims must be given their broadest reasonable interpretation consistent with the specification" (emphasis added). MPEP §2111 goes on to state that the Office is to apply the "broadest reasonable meaning of the words in their ordinary usage as they would be interpreted by one of ordinary skill in the art, taking into account whatever enlightenment by way of definition or otherwise that may be

afforded by the written description contained in the applicant's specification."

The phrase "outgoing transmission lines" appearing in claim 1 is to be interpreted as it would be interpreted by one of skill in the art taking into account whatever enlightenment by way of definition or otherwise that may be afforded by the written description contained in the specification. The specification uses this term only when discussing the transmission lines 14 that lead out from the network node shown in Figure 1. The intra-nodal connections between the switch 12 and the outgoing line card 13 are not given a name at all. It is also noted that the term "transmission line" is used to describe the incoming transmission lines 10 that lead into the node. One of skill in the art would recognize and be enlightened by the consistent use of the term "transmission line" to refer to lines 10 and 14 leading in and out the node and the particular use of "outgoing transmission lines" to refer to the lines leaving the node. In view of this, the reasonable interpretation of "outgoing transmission lines" in claim 1 is limited to lines leaving the node, not the internal paths shown between the switch and the line card.

One of the concerns when deciding how to interpret the claims in a manner consistent with the specification is the improper incorporation of limitations into the claims from the specification. The interpretation of the phrase "outgoing

transmission lines" to refer to lines leaving the node is not such an improper incorporation because the limitation is explicitly expressed in the claim. The terms "outgoing" and "transmission lines" are express bases in the claim for limiting the interpretation to the outgoing transmission lines 14 that leave the node.

It is also noted that MONASTRA et al. use the term "path" rather than "transmission line" to refer to the connections 13, 15, 113, 115. The corresponding "transmission lines" would extend out from transmission/reception stations 12 and are not shown.

When the claims are interpreted in the manner espoused above, MONASTRA et al. do not anticipate claims 1 and 2 for the reasons set forth in the previous response, which need not be repeated here.

Further, the discussion above provides a clear estoppel in the file history of this application for limiting the interpretation of claim 1.

In addition, claims 1-2 have been amended. By way of explanation, the internal structure of the crossbar switching system is not monitored in the method of claims 1-2, while MONASTRA et al. monitor the interior of the crossbar switch 116 and the circuits between the switch and the interfaces 102, 104.

Claims 3, 5, 7-8 and 11-12 were rejected as unpatentable over KRISHNA et al. "On the Speedup Required for

Work-Conserving Crossbar Switches," IEEE Journal on Selected Areas in Communications, Vol. 17, No. 6, June 1999, in view of MONASTRA et al. Reconsideration and withdrawal of the rejection are respectfully requested.

The Official Action acknowledges that KRISHNA et al. does not disclose the above-noted features of monitoring the outgoing transmission lines and the outgoing line cards and relies on MONASTRA et al. for the suggestion to modify KRISHNA et al. to include these features. However, as explained above, MONASTRA et al. do not disclose that that control block 8 monitors the outgoing transmission lines 13, 115 or the interfaces 102,104. Accordingly, for the reasons given above this feature is missing from the proposed combination and thus would not be obvious to one of skill in the art.

Claims 7 and 11 further provide that the outgoing line cards convert cells into a packet and forward the packet to the outgoing transmission line. This recitation of packet movement is an explicit definition that does not comport with interpreting MONASTRA et al. so that the paths 15, 113 are transmission lines.

Claims 4, 6, 9-10 and 13-14 were rejected as unpatentable over KRISHNA et al. in view of MONASTRA et al. and WATANABE et al. 6,246,665. Reconsideration and withdrawal of the rejection are respectfully requested. WATANABE et al. do not make up for the shortcomings of MONASTRA et al. noted above and

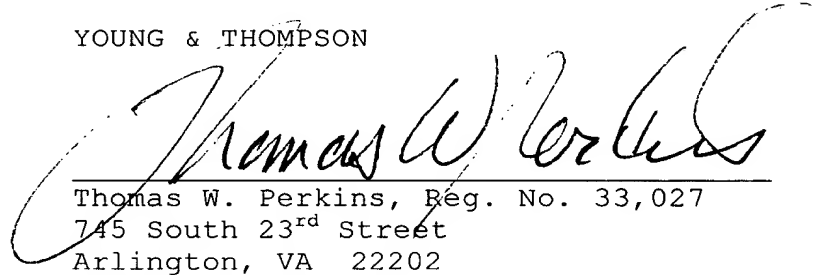
thus the proposed combination fails to suggest monitoring the outgoing transmission lines and line cards.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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A large, stylized handwritten signature in black ink, appearing to read "Thomas W. Perkins", is written over a horizontal line.

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